Applicants did not receive full copy of Office Action. (received OA Summary and 4 patents from 3/15/2002 Notice)
Faxed attached documents on March 20, 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Fax Cover Sheet

Date: 20 Mar 2002

To: Edward J. Petrus	**From:** Rachel L. Porter
Application/Control Number: 09/444,660	**Art Unit:** 2166
Fax No.: 512-453-0066	**Phone No.:** 703-305-0108
Voice No.: 512-454-6500	**Return Fax No.:** 703-746-7239
Re: Non-Final Rejection (FAOM)	**CC:**

☐ **Urgent** ☐ **For Review** ☐ **For Comment** ☒ **For Reply** ☒ **Per Your Request**

Comments:
Mr. Petrus:

This fax should include:

An Office Action Summary (1 page)
The Office Action (13 pages)
Notice of References Cited (Form-892) (1 page)
IDS(Form-1449: Signed/Considered Copy) (2 pages)
Notice of Draftsperson Review (Form PTO-948) (2 pages)
Attachment For Form PTO-948 (1 page)

U.S. Patent # Ninturn ref. (5,692,501) also faxed to Applicants by RightFax on 20/March 2002

Sorry for the inconvenience.

Respectfully yours,

Rachel L. Porter

Number of pages 21 **including this page**

Office Action Summary	Application No.	Applicant(s)	
	09/444,660	PETRUS, EDWARD J.	
	Examiner	Art Unit	
	Rachel L. Porter	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 November 1999* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 November 1999* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Claims 1-10 are presented for examination in this Non-Final Office Action.

The following outline is provided to advise the Applicant on the suggested format and content of each section in a patent application.

Content of Specification

(a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.

(b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.

(c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.

(d) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.

(e) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:

(1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject

matter of the claimed invention. This item may also be titled "Technical Field."

(2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."

(f) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

(g) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.

(h) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

(i) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet (37 CFR 1.52(b)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural

indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).

(j) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

(k) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: --Method of Determining a Dietary Supplement Profile for an Individual--.

2. The disclosure is objected to because of the following:

The description of prior art in the specification (page 4, line 21-page 5, line 6) should be included in the "Background of the Invention" section of the application as indicated in the "Content of the Specification" (section (e)2) cited in this Office Action.

The Applicant's description of incorporating data from Laboratory Studies into the claimed process/method in the specification (page 3, lines 15-17) conflicts with the method/process as illustrated in Figure 1. In specification, the Applicant states that Laboratory Studies data are added to the computer database (reference #2). Figure 1

indicates that data from the Laboratory Studies are added to the dietary supplement profile (reference number 3)

Also, the Examiner suggests that the Applicant use more detail in describing the claimed invention in the "Brief Summary of the Invention". Further suggestions on the format and appropriate content of the Summary of the Invention are described in the "Content of the Specification" (section f) cited in this Office Action.

Appropriate correction is required.

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because the Applicant uses legal phraseology (e.g. "comprises") and implied terminology (e.g. "This invention *relates*. . .") that should not be used in the abstract. Furthermore, the explanation of the claimed invention in the abstract is unclear and awkwardly worded. For example, the Applicant seems to misplace the phrase describing the type of information included in the dietary supplement profile. The abstract now reads: ". . . an individual **of vitamins, minerals, amino acids . . . ".** Also, it is unclear to the Examiner which steps are included in the

claimed method/process and how the addition of information from the lab studies and from the physical examination relates to the claimed method/process. Correction is required. See MPEP § 608.01(b).

Drawings

5. The drawings are objected to because the lines in Figure 1 are not uniformly thick, well defined, clean and durable as noted in the attached "Notice of Draftsperson's Patent Drawing Review." A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

6. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful **process, machine, manufacture, or composition of matter**, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Applicant is advised that should claims 1-5 be found allowable, claims 6-10 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. The Examiner considers a "method" and a "process" to be directed to the same statutory class of patentable subject matter described in 35 U.S.C.101 cited above. In other words, the terms "method" and "process" are deemed interchangeable in referring to the statutory class of "process". When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in

wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In reference to claims 1and 6, the present claim is vague and indefinite. The Applicant claims a process/method but fails to recite all of the steps involved in the process. Instead, the Applicant recites components (e.g. a questionnaire, a comparison, the generation). The Examiner suggests that the Applicant describe claimed process using a positive recitation of the steps in the process/method (e.g. "completing a health questionnaire by an individual"; "comparing the questionnaire. . . "; "generating a dietary supplement profile . . . "). It is also unclear whether the entire process recited in the claim is computer-implemented. Furthermore, the metes and bounds of the information included in the dietary supplement profile (i.e. the listing of the suggested nutrients) are indefinite. It is unclear to the Examiner whether the dietary supplement profile includes a listing of one, at least one, or a plurality of the items listed in the claim. The phrase "other nutritional supplements" also renders the claim indefinite. Which "other nutritional supplements" are included in the scope of the

claimed method? Furthermore, terms indicating the purported merits of the Applicant's invention (e.g. "for *optimal* health and wellness") should not be included in the claim language.

In reference to claims 2,3, 7, and 8, the present claims are vague and indefinite. It is unclear to the Examiner which element or step in the respective independent claims is being modified by the information in the present dependent claims. Who is adding the information? To what is this information added (i.e. a database or a copy of the final dietary supplement profile?) Where do these steps fit into the claimed process? (i.e. before generating the dietary supplement profile or after?)

In reference to claims 4 and 9, the present claims are vague and indefinite. It is unclear to the Examiner which element or step in the respective independent claims is being modified by the information in the present dependent claims. Is the list of commercially available products part of the dietary supplement profile (i.e. "wherein the dietary supplement profile further comprises a list of. . . ")? Alternatively, does the method/process of claim 1 (or 6) further comprise the step of: "providing a list of commercially available products"? (i.e. is this a separate and distinct step from generating the dietary supplement profile in the claimed process/method?)

In reference to claims 5 and 10, the present claims are vague and indefinite. It is unclear to the Examiner which element or step in the respective independent claims is being modified by the information in the present dependent claims. Does the method/process of claim 1 (or 6) further comprise the step of:"providing a plan for

weight management" ? (i.e. Is this a separate and distinct step?) Or is the plan for weight management part of the dietary supplement profile?

NOTE: In light of the extensive 112 2nd problems, the examiner is interpreting the claims and applying prior art as best as possible using these interpretations. These interpretations of claim language are for examination purposes only.

NOTE: The following art rejections assume that the subject matter of claims 6-10 will be amended to recite subject matter that is patentably distinct from the method of claims 1-5. The art rejections are provided herein below for the Applicant's consideration on the condition that the Applicant properly direct the subject matter in claims 6-10 toward a patentably distinct invention in the next communication sent in response to the present Office Action.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application

being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

11. Claim 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Summerell et al. (US Patent No. 5,937,387)

In reference to claim 1 and 6, Summerell et al teach a method for customizing a personal wellness plan for an individual comprising:

- completing a health questionnaire by the individual; (Figures 4-6; col. 9, lines 15-31)
- comparing the information gathered from the questionnaire to a standard health profile in a computer database; (col. 11, lines 18-29)
- generating a dietary supplement profile based on the individual's health information, said dietary supplement profile including a recommendation for the individual to take at least one of the following nutrients: vitamins, minerals, amino acids, enzymes and herbs. (Figures 18-25)

Summerell et al teach a method and system for providing a personalized health and fitness profile for an individual. The individual completes a questionnaire relating to his/her overall health. The results from the individual's questionnaire are compared to a stored standard health profile which is based on individuals of comparable age and health risk. The system then generates health recommendations for the user including suggestions on nutritional supplements (e.g. vitamins and minerals) to take to improve the user's health. (i.e. dietary supplement profile) (see figures 18-25, especially 22-25)

In reference to claims 2 and 7, Summerell et al teach a method of calculating a dietary supplement profile further including the step of adding information provided from a physical examination. (col. 5, lines 62-67) A physician can input test result data (e.g. the individual's blood pressure) into the system. This information is used in determining the individual's wellness measurement and making health recommendations (i.e. dietary supplement profile).

In reference to claims 3 and 8, Summerell et al teach the method of claim 1 and 6 respectively, further comprising the step of adding information provided by laboratory studies. (col. 3, lines 19-39, col. 5, lines 62-67) The method disclosed by Summerell et al assesses individual wellness based on several risk factors, health parameters, and test results. The disclosed method uses these factors and results to develop a customized plan (i.e. dietary supplement plan). Some of the health parameters used to develop this customized wellness plan include total and HDL cholesterol levels and white blood cell counts. It is respectfully these data items are results that would be provided by laboratory studies. (i.e.blood work/ blood counts.)

In reference to claims 4 and 9, Summerell et al teach a method wherein the dietary supplement profile also includes a list of commercially available products that provide the suggested dietary supplements. (Figures 24-25) In addition to providing nutritional recommendations, the output of the disclosed system also details which products (e.g. fruits, vegetables, artificial vitamin supplements) provide the suggested nutrients. It is respectfully submitted the food products and artificial nutritional supplements are commercially available products.

In reference to claims 5 and 10, Summerell et al teach a method wherein the dietary supplement profile also includes recommendations for weight management. (i.e. a weight management plan) (Figure 24). The sample recommendation details in the figure suggest a weight loss target for individuals with certain health problems (e.g. high blood pressure) and also explain the health benefits of weight loss and weight maintenance.

Remarks

12. It is called to applicant's attention that if a communication is deposited with the U.S. Postal Service and mailed to the Office by First Class Mail before the reply time has expired, applicant may submit the reply with a "Certificate of Mailing" which merely asserts that the reply is being mailed on a given date. So mailed, before the period for reply has expired, the reply may be considered timely. A suggested format for a certificate follows:

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to:

Assistant Commissioner for Patents
Washington, DC 20231
on _____(date).

Typed or printed name of person signing this certificate

_____

Signature_____

Date_____

13. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or

agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

14. Applicant is also advised to review information regarding the patent process on the Patent's Office's website: **www.uspto.gov**. In addition to being able to download a copy of the Manual of Patent Examining Procedure (MPEP), the Applicant may also access required forms and useful information regarding fees and patent prosecution.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Shrive (US Patent No. 4,499,064) teaches a laboratory assay to determine the nutritional needs of an individual.
- Fuller et al (US Patent No. 4,464,122) teach a system for providing a health summary for an individual based on questionnaire results.
- Minturn et al (US Patent No. 5,692,501) teaches a system and method for providing a personal wellness assessment based on clinical test results.

- Caple et al (WIPO No. WO 99/04043) teach a system and method of transmitting patient analysis and proposed treatment options between health care providers and patients (i.e. telemedicine).

16. The Applicant is reminded of the shortened statutory period for response to the present Non-Final Office Action. A summary of statutory time periods is provided in "Period for Reply" section of the attached Office Action Summary sheet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachel L. Porter whose telephone number is 703-305-0108. The examiner can normally be reached on M-F, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (703)305-9588. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

RLP
March 8, 2002

JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

as original

Please type a plus sign (+) inside this box → [+]

PTO/SB/08B (10-96)
Approved for use through 10/31/99. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

Complete if Known	
Application Number	PET.99.6
Filing Date	Nov. 19, 1999
First Named Inventor	PETRUS, EDWARD J.
Group Art Unit	
Examiner Name	
Attorney Docket Number	

U.S. PTO 09/444660 11/22/99

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.[1]	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T[2]
PP		CONLAN MF, R.PH'S LAGGING AS SOURCE FOR SUPPLEMENT INFORMATION DRUG TOPICS, OCTOBER 18, 1999 PG. 58	

Examiner Signature	Rachel Porter	Date Considered	3/7/2002

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] Unique citation designation number. [2] Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Use type a plus sign (+) inside this box → [+]

PTO/SB/08A (10-96)
Approved for use throu[gh] 10/31/99. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet | 1 | of | 1

Complete if Known	
Application Number	PET. 99.6
Filing Date	Nov. 19, 1999
First Named Inventor	PETRUS, EDWARD J.
Group Art Unit	
Examiner Name	
Attorney Docket Number	

JC584 U.S. PTO 09/444660 11/22/99

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	U.S. Patent Document Number	Kind Code[2] (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
RP		4,733,354		POTTER ET AL	03-22-1988	
RP		5,036,462		KAUFMAN ET AL	07-30-1991	
RP		5,623,925		SWENSON ET AL	04-29-1997	
RP		5,704,350		WILLIAMS III	01-06-1998	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document Office[3]	Number[4]	Kind Code[5] (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T[6]

Examiner Signature	Rachel L Port	Date Considered	3/7/2002

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] Unique citation designation number. [2] See attached Kinds of U.S. Patent Documents. [3] Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. [6] Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Form PTO 948 (Rev. 8-98) U.S. DEPARTMENT OF COMMERCE - Patent and Trademark Office Application No. 09/444,660

NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 11/22/99 are:

A. ~~approved by~~ the Draftsperson under 37 CFR 1.84 or 1.152.

B. X objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. The Examiner will require submission of new, corrected drawings when necessary. Corrected drawing must be sumitted according to the instructions on the back of this notice.

1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings: Black ink. Color.
   - ___ Color drawings are not acceptable until petiton is granted. Fig(s) _____
   - ___ Pencil and non black ink not permitted. Fig(s) _____
2. PHOTOGRAPHS. 37 CFR 1.84 (b)
   - ___ 1 full-tone set is required. Fig(s) _____
   - ___ Photographs not properly mounted (must use brystol board or photographic double-weight paper). Fig(s) _____
   - ___ Poor quality (half-tone). Fig(s) _____
3. TYPE OF PAPER. 37 CFR 1.84(e)
   - ___ Paper not flexible, strong, white, and durable. Fig(s) _____
   - ___ Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted. Fig(s) _____
   - ___ Mylar, velum paper is not acceptable (too thin). Fig(s) _____
4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:
   - ___ 21.0 cm by 29.7 cm (DIN size A4)
   - ___ 21.6 cm by 27.9 cm (8 1/2 x 11 inches)
   - ___ All drawing sheets not the same size. Sheet(s) _____
   - ___ Drawings sheets not an acceptable size. Fig(s) _____
5. MARGINS. 37 CFR 1.84(g): Acceptable margins:

   Top 2.5 cm Left 2.5cm Right 1.5 cm Bottom 1.0 cm
   SIZE: A4 Size
   Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm
   SIZE: 8 1/2 x 11
   Margins not acceptable. Fig(s) _____
   _____ Top (T) _____ Left (L)
   _____ Right (R) _____ Bottom (B)
6. VIEWS. 37 CFR 1.84(h)

   REMINDER: Specification may require revision to correspond to drawing changes.

   Partial views. 37 CFR 1.84(h)(2)
   - ___ Brackets needed to show figure as one entity. Fig(s) _____
   - ___ Views not labeled separately or properly. Fig(s) _____
   - ___ Enlarged view not labeled separetely or properly. Fig(s) _____
7. SECTIONAL VIEWS. 37 CFR 1.84 (h)(3)
   - ___ Hatching not indicated for sectional portions of an object. Fig(s) _____
   - ___ Sectional designation should be noted with Arabic or Roman numbers. Fig(s) _____
8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)
   - ___ Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) _____
9. SCALE. 37 CFR 1.84(k)
   - ___ Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction. Fig(s) _____
10. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(i)
    - X Lines, numbers & letters not uniformly thick and well defined, clear, durable, and black (poor line quality). Fig(s) 1
11. SHADING. 37 CFR 1.84(m)
    - ___ Solid black areas pale. Fig(s) _____
    - ___ Solid black shading not permitted. Fig(s) _____
    - ___ Shade lines, pale, rough and blurred. Fig(s) _____
12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR 1.84(p)
    - X Numbers and reference characters not plain and legible. Fig(s) 1
    - ___ Figure legends are poor. Fig(s) _____
    - ___ Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1) Fig(s) _____
    - ___ English alphabet not used. 37 CFR 1.84(p)(2) Figs _____
    - ___ Numbers, letters and reference characters must be at least .32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3) Fig(s) _____
13. LEAD LINES. 37 CFR 1.84(q)
    - ___ Lead lines cross each other. Fig(s) _____
    - ___ Lead lines missing. Fig(s) _____
14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(t)
    - ___ Sheets not numbered consecutively, and in Arabic numerals beginning with number 1. Sheet(s) _____
15. NUMBERING OF VIEWS. 37 CFR 1.84(u)
    - ___ Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) _____
16. CORRECTIONS. 37 CFR 1.84(w)
    - ___ Corrections not made from prior PTO-948 dated _____
17. DESIGN DRAWINGS. 37 CFR 1.152
    - ___ Surface shading shown not appropriate. Fig(s) _____
    - ___ Solid black shading not used for color contrast. Fig(s) _____

COMMENTS

REVIEWER Tamy DATE 1/22/00 TELEPHONE NO. _____

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities--37 CFR 1.85

File new drawings with the changes incorporated therein. The application number or the title of the invention, inventor's name, docket number (if any), and the name and telephone number of a person to call if the Office is unable to match the drawings to the proper application, should be placed on the back of each sheet of drawings in accordance with 37 CFR 1.84(c). Applicant may delay filing of the new drawings until receipt of the Notice of Allowability (PTOL-37). Extensions of time may be obtained under the provisions of 37 CFR 1.136. The drawing should be filed as a separate paper with a transmittal letter addressed to the Drawing Processing Branch.

2. Timing for Corrections

Applicant is required to submit **acceptable** corrected drawings within the three-month shortened statutory period set in the Notice of Allowability (PTOL-37). If a correction is determined to be unacceptable by the Office, applicant must arrange to have acceptable corrections resubmitted within the original three-month period to avoid the necessity of obtaining an extension of time and paying the extension fee. Therefore, applicant should file corrected drawings as soon a possible.

Failure to take corrective action within set (or extended) period will result in **ABANDONMENT** of the Application.

3. Corrections other than Informalities Noted by the Drawing Review Branch on the Form PTO-948

All changes to the drawings, other than informalities noted by the Drawing Review Branch, **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

COMMENTS

Attachment for PTO-948 (Rev. 03/01, or earlier)
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.